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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,026	04/08/2004	Pat Reich	A375.12-0001	9227

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KINNEY & LANGE, P.A.  
THE KINNEY & LANGE BUILDING  
312 SOUTH THIRD STREET  
MINNEAPOLIS, MN 55415-1002

EXAMINER
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TORRES, ALICIA M

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/821,026

Applicant(s)

REICH, PAT

Examiner

Alicia M Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13 is/are allowed.
- 6) ☒ Claim(s) 1-4, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 5-8, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/7/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Objections***

1. Claim 1 is objected to because of the following informalities: “axis or rotation” should be changed to —axis of rotation—. Appropriate correction is required.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Seegert et al. ‘870, hereafter Seegert ‘870, as cited by Applicant.

Regarding claims 1-4, Seegert ‘870 discloses an apparatus for adjusting the height of a mowing deck (16) of a riding mower relative to a ground surface, the riding mower having a frame (14) supporting an operator seating area and a deck lift system (10), wherein the mowing deck (16) is supported by the deck lift system (10), the apparatus comprising:

a lever (52) pivotally connected to a frame (14) of the mower proximate the operator seating area;

a moveable arm (80) operably connected between the lever (52) and the deck lift system (10), the arm (80) comprising a shoulder (see Figure 2) between the lever (52) and the deck lift system (10) generally adjacent the operator seating area; and

a cam wheel (76) rotationally connected to the frame (14) of the mower proximate the shoulder of the arm (80), the cam wheel (76) having an axis of rotation and an outer edge of varying radius relative to the axis of rotation, wherein the shoulder (of 80) contacts a portion of the outer edge when the lever (52) is in a first position, the shoulder (of 80) is spaced from the outer edge when the lever (52) is in a second position, and wherein the mowing deck (16) height above the ground surface is a function of the radius of the cam (76) outer edge in contact with the shoulder (of 80), as per claim 1; and

wherein the lever (52) is a foot actuatable lever, as per claim 2; and

further comprising a handle (70) connected to the cam wheel (76), the handle (70) enabling a user to rotate the cam wheel (76), as per claim 3; and

wherein the cam wheel (76) is fixed on a shaft (72) rotatable by the handle (70), the shaft (72) rotationally connected to the frame (14) of the mower, as per claim 4.

4. Claims 14, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Rose.

Rose discloses a deck lift system (12) for adjusting the height of a mowing deck (14) of a riding mower relative to a ground surface, the mower having an operator seating area (not shown) and a frame (10), the deck lift system comprising:

a rear rotating assembly (75, 77) rotatably connected to the frame (10) and connected to a portion of the mowing deck (14);

a front rotating assembly (81, 83) rotatably mounted to the frame (10) and connected to a front portion of the mowing deck (14);

linking members (51) connecting the front (81, 83) and rear (75, 77) rotating assemblies;

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a means (112) for operating the deck lift system (12) to raise and lower the mowing deck (14); and

means (117, 119) operable within the operating means (112) for adjusting the height of the mowing deck (14), as per claim 14; and

wherein the means for operating comprises:

a lever (95) pivotally connected to the frame (10) proximate to the operator seating area; and

a displaceable arm (101) operably connected between the lever (95) and the deck lift system (12), as per claim 15.

#### *Allowable Subject Matter*

5. Claims 5-8, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 9-13 are allowed.

#### *Conclusion*

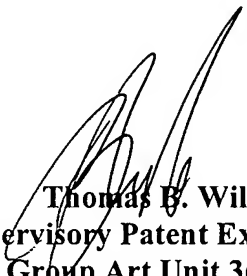
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith, Webster and Hess et al. have been cited as of interest.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group Art Unit 3671**

AMT  
March 15, 2005